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June 3, 2016

Via ECF

The Honorable Valerie Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, New York 10007

Re: **Olympus Securities, LLC v. United Fiber & Data, LLC 16-cv-1931 (VEC)**

Dear Judge Caproni:

I am writing as counsel for Defendant United Fiber & Data (“UFD”) in the subject action and hereby submit this letter brief as required by your Order of May 18, 2016.

Olympus identifies individuals with whom it does business, “a leading private equity firm” and “an affiliated co-investor,” only as “Investor A” and “Co-Investor,” respectively. *See, e.g.*, paragraphs 29-34 of the Complaint. UFD specifically objects to these identifications and requests that the Complaint be re-filed with these individuals specifically identified by name. While Olympus has no identifying investors affiliated with UFD and/or with whom UFD has prospective relationships by name, it seeks to hide the names of individuals with whom it associates. *See, e.g.*, paragraphs 11, 13, 23, 37, and 38 of the Complaint.

This Court has held:

Plaintiffs’ use of fictitious names runs afoul of the public’s common law right of access to judicial proceedings, a right that is supported by the First Amendment, U.S. Constit. amend. I. The public has a right of access to the courts. Indeed, lawsuits are public events and the public has a legitimate interest in knowing the facts involved in them. ... Courts, therefore, begin with a presumption against anonymous or pseudonymous pleading.

Doe v. Del Rio, 241 F.R.D. 154, 156-57 (S.D.N.Y. 2006) (internal quotation marks and citations omitted); *see also Guerrilla Girls, Inc. v. Kaz*, 224 F.R.D. 571 (S.D.N.Y. 2004); *Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 189-90 (2d Cir. 2008).

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Pursuant to the foregoing, UFD hereby requests that Complaint be re-filed with the individuals described as “Investor A” and “Co-Investor” be specifically identified by name.

Respectfully submitted,

Timothy H. Eskridge, Jr.

cc: Joshua D. Roth, Esq.
Fried, Frank, Harris, Shriver & Jacobson LLP
Via ECF